REMARKS

Claims 1-41 remain in the application and stand rejected. Reconsideration of the rejection is respectfully requested in light of the following reasons.

Objection to the Specification

The specification is objected to because page 3 is blank. Page 3 is blank due to a clerical error. However, even with this clerical error, the disclosure is full and complete as page 3 is not meant to contain any information. Because deletion of page 3 would require renumbering the other pages of the specification, the presence of a blank page 3 does not substantively affect the disclosure, and the office of publication ignores the blank page 3 for printing (see U.S. Publication No. 2003/0145316), the Examiner is respectfully requested to withdraw the objection and allow the prosecution of the application to continue with the blank page 3.

The paragraph beginning at line 28 of page 4 has been amended to correct the typographical error on page 5 noted in the last office action.

Objection to the Claims

Claims 1, 8, 12, 19, and 23- 34 have been amended to correct typographical errors noted in the last office action.

Claim Rejection -- 35 U.S.C. § 103 (Kelley, Fisher, Semenzato, and Bodin)

Claims 1-6, 12-17, and 23-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,651,084 to Kelley et al. ("Kelley"), further in view of U.S. Publication No. 2003/0126094 by Fisher et al. ("Fisher"), further in view of U.S. Patent No. 5,903,728 to Semenzato ("Semenzato"), further in view of U.S. Patent No. 6,061,733 to Bodin et al. ("Bodin"). The rejection is respectfully traversed.

Claim 1 is patentable over the combination of Kelley, Fisher, Semenzato, and Bodin at least for reciting: "b) determining whether the client computer is suitable for receiving the plug-in application." Kelley merely discloses conventional use of browser plug-ins. Accordingly, as noted in the last office action, Kelley does not disclose determining whether the client is suitable for receiving the plug-in application. The last office action suggests that Fisher discloses "determining whether the client computer is suitable ('authenticated') for receiving the plug-in application," citing to Fisher paragraphs [0044] and [157]. It is respectfully submitted that Fisher does not disclose or suggest determining whether the client computer is suitable for receiving the plug-in application. Fisher discloses an authentication system for a payment service (Fisher, Abstract). Fisher paragraph [0157], cited in the last office action, discloses that the PDP agent 203, which performs user authentication, may be a browser plug-in. However, Fisher paragraph [0157] is explicit that the PDP agent 203 is an end-user application that resides on the user's desktop or Internet enabled-device. That is, Fisher does not disclose or suggest a mechanism for determining whether the client computer is suitable for receiving the PDP agent 203 over a network during an authentication process. In Fisher, the PDP agent 203 is assumed to be suitable for the client computer. Authentication of a plug-in does not say anything about its suitability to run in a client computer; authentication merely guarantees that the plug-in is as described.

Claim 1 is further patentable over the combination of Kelley, Fisher, Semenzato, and Bodin at least for reciting: "d) downloading the download manager application to the client computer via the network utilizing the plug-in application, wherein the download manager application has instructions for downloading a software application in chunks to the client computer via the network" (emphasis added). According to the last office action, Semenzato discloses a download manager in the form of a "plug-in controller." It is respectfully submitted that the plug-in controller cannot be the recited downloaded manager. Firstly, claim 1 requires the download manager to be downloaded over a network (same network used to access a page of a web site). In contrast, the plug-in controller resides in a client computer (Semenzato, FIG. 1 showing plug-in controller 112 in memory 104 together with platform process 110 in computer system 100). Semenzato does not disclose or suggest that the plug-in controller is downloaded over a network.

Secondly, claim 1 requires the download manager to be downloaded by a plug-in application. That is, in claim 1, a plug-in application is downloaded to the client computer and the plug-in application then downloads the download manager. In contrast, the plug-in controller of Semenzato is resident in a client computer (Semenzato, FIG. 1 showing plug-in controller 112 in memory 104 together with platform process 110 in computer system 100), and is <u>not downloaded by a plug-in application that has been downloaded from a website</u> as required by claim 1. Thirdly, claim 1 requires the download manager to have instructions for downloading a software application over a network. That is, claim 1 requires downloading of a plug-in application from a web site, the plug-in application then downloads the download manager, and the download manager then downloads a software application in chunks. In contrast, the plug-in controller of Semenzato does not download any software <u>over a network</u>, let alone in chunks. In Semenzato, the plug-in controller 112 loads and executes the plug-in body 114 as a separate process (Semenzato, col. 4, line 56 to col. 5, line 9). However, the plug-in controller 112 does not load the plug-in body 114 over a network as required by claim 1.

Claim 1 is further patentable over the combination of Kelley, Fisher, Semenzato, and Bodin at least for reciting: "d) downloading the download manager application to the client computer...; and e)...downloading the software application in chunks to the client computer via the network <u>utilizing the download manager application</u>" (emphasis added). According to the last office action, Bodin discloses downloading a software application in chunks as recited in steps d) and e) of claim 1. This conclusion is respectfully traversed. Claim 1 requires downloading of the download manager application to the client computer (step (d)) and downloading of the software application in chunks to the client computer utilizing the download manager. That is, claim 1 requires downloading in chunks using a client-side code (i.e., where the download manager executes to perform the downloading of the software application). In contrast, Bodin discloses partial downloading using server-side code (Bodin, Abstract), not client-side code. Bodin's server code provides a user-interface to allow a user to download portions of a piece of software by providing links to the portions of the software. However, Bodin's architecture is substantially different from that recited in claim 1 as Bodin has no

provision for a download manager executing in a client computer to pull chunks of software from a server.

For at least the above reasons, it is respectfully submitted that claim 1 is patentable over the combination of Kelley, Fisher, Semenzato, and Bodin. Claims 12 and 23 are similarly patentable.

Claims 2-6 depend on claim 1. Therefore, claims 2-6 are patentable over the combination of Kelley, Fisher, Semenzato, and Bodin at least for the same reasons that claim 1 is patentable as well as because of the combinations of features set forth in these claims and in claim 1. For example:

Claim 6 depends on claim 3, which depends on claim 1. Claim 3 recites that a security feature of the browser application requires that a user authorize the downloading of the plug-in application. Claim 6 further limits claim 3 by reciting that information about whether or not the user authorizes to download a plug-in application is stored in the client computer. The last office action rejects claim 6 based on Fisher, suggesting that Fisher discloses the features of claim 6 in FIG. 19. It is respectfully submitted that Fisher FIG. 19 shows "record transaction" from the PDP server to the PDP database. The PDP database is not disclosed as being in a client computer (i.e., not in "customer" of FIG. 19). Furthermore, the "record transaction(...authorization)", records authorization of a registered user, not authorization of plug-in for download. This is the inevitable conclusion given that Fisher discloses a system for authenticating registered users in payment transactions involving a merchant (Fisher, Abstract). Fisher does not disclose or suggest a way of storing information about plug-in download authorization in the client computer.

Claims 13-17 depend on claim 12. Therefore, claims 13-17 are patentable over the combination of Kelley, Fisher, Semenzato, and Bodin at least for the same reasons that claim 12 is patentable, as well as because of the combinations of features set forth in these claims and in claim 12. For example, claim 17 is patentable over the combination of Kelley, Fisher, Semenzato, and Bodin using the same rationale given for claim 6 above.

Claims 24-28 depend on claim 23. Therefore, claims 24-28 are patentable over the combination of Kelley, Fisher, Semenzato, and Bodin at least for the same reasons that claim 23 is patentable, as well as because of the combinations of features set forth in these claims and in claim 23. For example, claim 28 is patentable over the combination of Kelley, Fisher, Semenzato, and Bodin using the same rationale given for claim 6 above.

Claim Rejection -- 35 U.S.C. § 103 (Kelley, Fisher, Semenzato, Bodin, and Ehring)

Claims 7, 18, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley, Fisher, Semenzato, and Bodin as applied to claim 1 and further in view of U.S. Publication No. 2005/0097008 by Ehring et al. ("Ehring"). The rejection is respectfully traversed.

The last office action suggests that "Fisher discloses determining the suitability of the client computer for receiving the plug-in." As explained above, Fisher does not disclose determining whether a client computer is suitable to accept a plug-in. Ehring does not pertain to determining suitability of plug-ins either. In Ehring, a delivery manager 230 obtains user-specific data regarding the user from a user profile and behavior database (Ehring, paragraph [0163]). The delivery manager 230 determines what browser plug-in is **already present** in the user's computing environment to determine whether to provide video or audio versions of a particular content. However, Ehring does not disclose or suggest that the delivery manager 230 employs the user-specific data to determine the suitability of the client computer **to receive a plug-in**.

For at least the above reason, claim 7 is patentable over Kelley, Fisher, Semenzato, Bodin, and Ehring. Claims 18 and 29 are rejected in the same manner as claim 7, and are thus also patentable over Kelley, Fisher, Semenzato, Bodin, and Ehring.

Claim Rejection -- 35 U.S.C. § 103 (Kelley, Fisher, Semenzato, Bodin, and Official Notice)

Claims 8, 19, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley, Fisher, Semenzato, Bodin, and Official Notice. The rejection is respectfully traversed.

As noted in the last office action, Fisher does not disclose displaying another page of the web site if the client computer is determined to be unsuitable for receiving a plug-in application, as recited in claim 8. However, the last office action takes "official notice that displaying another page of the web site (i.e. an error message, such as an 'access denied' message, or pop-up box) in such a case is notoriously well known in the art." It is respectfully submitted that an official notice is inappropriate in this case because displaying another **page of a web site** as a result of determining unsuitability of a client computer **to receive a plug-in** is not well known in the art. For example, error messages relating to adding functionality in a web browser, such as installation of a browser plug-in, are conventionally generated by the web browser from the client computer, not using another page from a web site.

Furthermore, Fisher pertains to authentication of registered users. In Fisher, the authentication is performed by an end-user application that resides on a client computer, i.e., the user's desktop or Internet enabled device (Fisher, paragraph [0157]). Fisher does not disclose or suggest how such end-user application **on the user's desktop or Internet enabled device** can pull another **page of a web site** in the event a plug-in is unsuitable for installation in the user's desktop or device.

For at least the above reason, claim 8 is patentable over Kelley, Fisher, Semenzato, Bodin, and Official Notice. Claims 19 and 30 are rejected in the same manner as claim 8, and are thus also patentable over Kelley, Fisher, Semenzato, Bodin, and Official Notice.

Claim Rejection -- 35 U.S.C. § 103 (Kelley, Fisher, Semenzato, Bodin, and Goodwin)

Claims 9, 20, and 31 stand rejected under 35. U.S.C. § 103(a) as being unpatentable over Kelly, further in view of Fisher, further in view of Bodin, and Further in view of U.S. Publication No. 2002/0023057 by Goodwin ("Goodwin"). The rejection is respectfully traversed.

Claim 9 depends on claim 1. Although not specifically noted, the last office action is assumed to be relying on Semenzato in the rejection of claim 9.

The patentability of claim 1 over Kelley, Fisher, Semenzato, and Bodin has already been explained above. Claim 9 depends on claim 1. Goodwin does not add anything to Kelley, Fisher, Semenzato, and Bodin in regard to claim 1. Therefore, claim 9 is patentable over Kelley, Fisher, Semenzato, Bodin, and Kelley at least for the same reasons that claim 1 is patentable as well as because of the combination of features set forth in claim 9 and in claim 1. Claims 20 and 31 are rejected in the same manner as claim 9, and are thus also patentable over Kelley, Fisher, Semenzato, Bodin, and Goodwin.

Rejection of Claims 10, 11, 21, 22, 32, and 33

The last office action does not specifically point out how claims 10, 11, 21, 22, 32, and 33 are rejected. This response assumes that claims 10, 11, 21, 22, 32, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley, Fisher, Semenzato, and Bodin. The rejection is respectfully traversed.

In rejecting claims 10, 21, and 32, the last office action notes that Fisher discloses "the determination of the suitability of the client computer for receiving the plug-in application is carried out by another web site ("PDPS web site") [¶0044, ¶0157]." It is respectfully submitted that while the PDPS allows a user to enroll for the authentication service (Fisher, paragraph [0043]), the PDPS cannot determine the suitability of a plug-in application for installation in a client computer. In Fisher, a plug-in application may be used as a PDP agent (Fisher, paragraph [0157]). However, the PDP agent plug-in is not used to authenticate itself or other plug-ins. The PDP agent is used to authenticate a registered user to PDPS. Therefore, claims 10, 21, and 32 are patentable over Kelley, Fisher, Semenzato, and Bodin.

In rejecting claims 11, 22, and 33, the last office action notes that Fisher discloses "the page of the web site launches a window ('approval message') which initiates the determination of the suitability of the client computer for receiving the plug-in

application [¶0216]." Firstly, as explained above, Fisher does not disclose or suggest determining suitability of plug-ins for installation in a client computer. Secondly, the "approval" message noted in the last office action cannot be a "window" launched by a web site as the approval message is intended to be received by the PDP server, which is a computer and thus can directly receive messages. Fisher does not disclose or suggest that this approval message can be implemented as a launched window displaying an authorization number readable by the PDP server. That is, the approval message is not in a launched **window**. Therefore, claims 11, 22, and 33 are patentable over Kelley, Fisher, Semenzato, and Bodin.

Claim Rejection -- 35 U.S.C. § 103 (Kelley, Fisher, Bodin, Ehring, Official Notice, and Davis)

Claim 34 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kelley, further in view of Fisher, further in view of Bodin, and further in view of U.S. Patent No. 6,138,155 to Davis et al. ("Davis"). Although not formally mentioned, the last office action also relies on Ehring and an official notice. The rejection is respectfully traversed.

Claim 34 is patentable over Kelley, Fisher, Bodin, Ehring, Official Notice, and Davis at least for reciting: "determining whether the client computer is suitable for receiving the plug-in application, wherein determining the suitability of the client computer for receiving the plug-in application includes determining whether the number of times the client computer has accessed the web site is under a predetermined threshold number, wherein a second page of the web site is displayed on the client computer if the client computer is determined to be unsuitable for receiving the plug-in application." As fully explained above in regard to claims 1, 7, and 8, Kelley, Fisher, and Ehring fail to disclose the aforementioned limitations.

Claim 34 is also patentable over Kelley, Fisher, Bodin, Ehring, Official Notice, and Davis at least for reciting: "downloading the plug-in application from the web site to the client computer via the network if the client computer is determined to be suitable for

receiving the plug-in application, wherein a security feature of the browser application of the client computer requires that a user of the client computer authorize the downloading of the plug-in application, wherein the plug-in application has instructions for downloading a download manager application to the client computer from a second web site via the network." As explained above in regard to claim 1, Fisher does not disclose or suggest determining the suitability of a client computer to receive a plug-in application.

Furthermore, as noted in the last office action, Kelley does not disclose a download manager. The last office action suggests that Davis discloses "the application has instructions for downloading a download manager application to the client computer from a second web site (Server B) via the network [col. 11, lines 41-64]." Examination of Davis col. 11, lines 41-64 reveals, however, that the CGI script is NOT downloaded from the Server B to the client computer; Davis is explicit that the CGI script is executed on Server B (Davis, col. 11, lines 54-64). Although the **output** of the CGI script is provided to the client computer, such output is not executable and does not have **instructions** for downloading a software application to the client computer.

As discussed above, Davis does not disclose the recited download manager, let alone a download manager that downloads a software application in chunks. The last office action suggests that Bodin discloses downloading a software application in chunks. As explained above in regard to claim 1, Bodin cannot operate with the recited download manager as Bodin relies on server-side code to download software. That is, Bodin has no provision for a download manager executing in a client computer to pull chunks of software from a server.

Claim Rejection -- 35 U.S.C. § 103 (Kelley and Bodin)

Claims 35, 36, 39, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view of Bodin. The rejection is respectfully traversed.

Claim 35 is patentable over Kelley and Bodin at least for reciting: "only if the user specifically agrees to receive the software application by so responding to a security prompt." The last office action notes that Kelley discloses "only if the user specifically

agrees to receive the software application by so responding to a security prompt,
downloading the software application to the client computer [col. 5, lines 3-7]." Kelley
col. 5, lines 3-7, cited in the last office action, reads:

> "In one preferred embodiment, after selecting one registered plug-in 32 to
> perform the selected function 36 from specific plug-ins list 46, the present
> invention retrieves the selected registered plug-in 32 and installs the selected
> registered plug-in 32."
>
> Kelley, col. 5, lines 3-7

As is evident from the cited portion of Kelley, the user selects a plug-in from a
plug-ins list 46. However, Kelley does not disclose or suggest that the plug-ins list 46 is
or can be a security prompt (see also, Kelley, FIG. 3). Plug-ins list 46 does not perform
any security function.

Furthermore, Kelley and Bodin are completely silent as to allowing the user to
specifically (not impliedly) agree to receive the software. Kelley assumes that the user
wants to download a plug-in by asking the user to select a plug-in from a plug-in list.
However, the user may or may not be aware that selecting a plug-in results in **receiving**
software into the client computer over the network. This is a major concern on the
Internet as a user may inadvertently download software from a remote computer without
really knowing that he or she is doing so. Claim 35 alleviates this problem by providing
a security prompt that the user can use to specifically agree to receive a software
application.

Claim 36 depends on claim 35. Therefore, claim 36 is patentable over Kelley and
Bodin at least for the same reasons that claim 35 is patentable.

Claim 39 is patentable over Kelley and Bodin at least for reciting: "receiving the
software application in chunks only if a user of a client computer that received the web
page **specifically agrees to receive the software application**" (emphasis added). As
explained above in regard to claim 35, Kelley and Bodin do not disclose or suggest
providing a software application to a client computer only if the user specifically agrees
to receive the software application.

Claim 40 is patentable over Kelley and Bodin at least for reciting: "wherein the user specifically agrees to receive the software application by so responding to a **security prompt**" (emphasis added). As discussed above in regard to claim 35, Kelley and Bodin do not disclose or suggest allowing the user to specifically agree to receive a software application by responding to a security prompt.

Claim Rejection -- 35 U.S.C. § 103 (Kelley, Bodin, and Fisher)

Claims 37 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelly and Bodin as applied to claims 35 and 39, and further in view of Fisher. The rejection is respectfully traversed.

Claim 37 depends on claim 35, while claim 41 depends on claim 39. The patentability of claims 35 and 39 over Kelley and Bodin has already been explained above. Fisher does not add anything to Kelley and Bodin in regard to claims 35 and 39. Therefore, claims 37 and 41 are patentable over Kelley, Bodin, and Fisher at least for the same reasons their respective base claims are patentable.

Claim Rejection -- 35 U.S.C. § 103 (Kelley, Bodin, and Semenzato)

Claim 38 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Kelley and Bodin as applied to claim 34 and in view of Semenzato.

Claim 38 depends on claim 35. The patentability of claim 35 over Kelley and Bodin has already been explained above. Semenzato does not add anything to Kelley and Bodin in regard to claim 35. Therefore, claim 38 is patentable over Kelley, Bodin, and Semenzato at least for the same reason that claim 35 is patentable.

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Conclusion

For at least the above reasons, it is believed that claims 1-41 are in condition for allowance. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Respectfully submitted,
Eric McKinlay et al.

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